

Minutes of Committee Of Adjustment
October, 14, 2021

Time: 7:00 PM

Location: Council Chambers/Electronic Participation

Meeting # 09

Present: Randy Ruttan, Mike Howe, Ken Gee, Norm Roberts, Doug Morey & Mike Nolan

Absent with regrets: Tom Bruce

Staff: Claire Dodds, Director of Development Services, Christine Woods, Senior Planner, Anna Geladi, Planner & Michelle Hannah, Planning Assistant

1 Call to Order

a) Resolution

Resolution No. 2021:09:1

Moved by Norm Roberts Seconded by Ken Gee

THAT the October 14, 2021 meeting of the Township of South Frontenac Committee of Adjustment is hereby called to order at 7:01 p.m.

Carried

2 Adoption of Agenda

a) Resolution

Resolution No. 2021:09:2

Moved by Ken Gee Seconded by Norm Roberts

THAT the South Frontenac Committee of Adjustment hereby adopts the agenda for the October 14, 2021 Committee of Adjustment Meeting.

Carried

3 Electronic Meeting Information

a) The meeting will be live streamed at the following link:

<http://www.facebook.com/SouthFrontenacTwp/>

Please visit the Virtual Committee of Adjustment Meetings page on the Township website for the link to register to be a participant in this meeting:

<https://www.southfrontenac.net/en/open-for-business/virtual-committee-of-adjustment-meetings.aspx>

Instructions about participating via Computer, Laptop, Smartphone, Tablet and Telephone can be found at the above noted link as well.

b) PowerPoint Presentation

Staff has prepared a PowerPoint Presentation that will be displayed on the screen of the meeting, you can also follow along with the PDF version that is in the attachment of this agenda item.

4 Declaration of pecuniary interest

5 New Consent Applications:

a) S-11-21-P (5006755 Ontario Inc.) (Beach)

Location: Part Lot 1, Concession 8, being part 1 on RP 13R7006, District of Portland, Township of South Frontenac, municipally known as 5356 New Morin Road.

Purpose of Application: Consent for the creation of a new residential lot consisting of a minimum of 0.8 hectares (2.1 acres) with approximately 214 metres (703 feet) of frontage on New Morin Road from a property municipally known as 5356 New Morin Road. The retained lands will retain the existing development and will be approximately 17.7 hectares (43.8 acres) in area with approximately 645 metres (2116 feet) of frontage on New Morin Road and 76 metres (250 feet) of frontage on VanLuven Road.

The Planner delivered her report to the Committee.

Committee member Morey asked how the applications came before the Committee when there are this many outstanding matters.

The Planner advised that the Applicant has been working with Planning staff through the initial stages of pre-consultation to application being submitted. The planner noted that Planning staff had advised the applicant and agent that more information would be required, and the applicant and agent submitted applications that was complete under the requirements for a complete application including a complete application, sketch and preliminary EIA. Planning staff advised of the further requirements for consideration for the applications because it does not meet certain planning criteria so it cannot go to the Director of Development Services for a decision. Because the applications was submitted, under the Planning Act, staff have 90 days to process it and bring it to the Committee of Adjustment for a decision.

The agent spoke to the applications and advised that he believed that there is an adversarial approach to these applications and he advised that they are unhappy with the time it has taken to process the files and coming before the Committee of Adjustment came out of nowhere and very recently. He believes the comments were received by the applicant and agent very recently and were unable to respond to the comments in time for this meeting. He agreed that there is no choice but to defer the application. He advised he believes that there is a disagreement because township staff believe that the internal wetland is Knowlton Lake and he and the applicant have brought individuals in who are experts in their field who do not agree with Staff. He believes some of the interaction has not been very productive in the last 6 months. He advised he has reached out to the Conservation Authority and the Ministry of Environment Conservation and Parks to share science. He advised that he had no timeline with respect to test holes being dug and he advised that he will respond to all of the recommendations the Planner has outlined.

A member of the Public - Mr. Rhodes spoke to the application and advised that he lives on Knowlton Lake and he asked about the wetlands and how it would be possible that they would not be considered as part of the lake. He advised that if there is that much concern, he agrees the matter should be deferred.

The Planner advised that Township Staff received a letter from the Ministry of Environment, Conservation and Parks as well as comments from Cataraqui Conservation which outlined that it is their opinion that the wetlands are connected to Knowlton Lake, there is a tributary creek system and a treed swamp that provide direct surface water connectivity to Knowlton Lake and since they are all connected, they would all impact the water quality of Knowlton Lake.

The Committee Chair advised that he has received upwards of 15 emails, not in support of this application. The Chair encouraged the public who may have contacted committee members by telephone or email to email planning staff for this application, or any application so that it can be part of the official record for any file. It can be emailed to planning@southfrontenac.net. The Chair advised that it is important for letters of support or letters of concern to be in writing and received by planning staff.

Resolution No. 2021:09:3

Moved by Norm Roberts Seconded by Ken Gee

THAT the Township of South Frontenac Committee of Adjustment hereby defers Consent Application S-11-21-P by 5006755 Ontario Inc., District of Portland, municipally known as 5356 New Morin Road, in order to provide the applicant and/or agent an opportunity to address items 1-6 in the Conclusion section of the Planners report dated October 8, 2021.

Carried

b) S-12-21-P (5006755 Ontario Ltd.) (Beach)

Location: Part 1 on RP 13R7006, Part Lot 1, Concession 8, District of Portland, Township of South Frontenac, municipally known as 5356 New Morin Road.

Purpose of Application: Consent for the creation of a new residential lot consisting of a minimum of 0.9 hectares (2.2 acres) of land and minimum of 76 metres (250 feet) of frontage on New Morin Road. The retained lands will be approximately 15.9 hectares (39.4 acres) in area with approximately 645 metres (2116 feet) of frontage on New Morin Road. The retained lands contain an existing principal dwelling and associated accessory structures.

Please see minutes in section a)

Resolution No. 2021:09:4

Moved by Ken Gee Seconded by Norm Roberts

THAT the Township of South Frontenac Committee of Adjustment hereby defers Consent Application S-12-21-P by 5006755 Ontario Inc., District of Portland, municipally known as 5356 New Morin Road, in order to provide the applicant and/or agent an opportunity to address items 1-6 in the Conclusion section of the Planners report dated October 8, 2021.

Carried

c) S-13-21-P (5006755 Ontario Ltd.) (Beach)

Location: Part 1 on RP 13R7006, Part Lot 1, Concession 8, District of Portland, Township of South Frontenac, municipally known as 5356 New Morin Road.

Purpose of Application: Consent for the creation of a new residential lot consisting of a minimum of 0.9 hectares (2.4 acres) of land and minimum of 86 metres (282 feet) of frontage on New Morin Road. The severed parcel (new lot) will contain an existing principal dwelling and associated accessory structures. The retained lands will be approximately 14.9 hectares (37 acres) in area with approximately 559 metres (1833.5 feet) of frontage on New Morin Road. The retained lands will be vacant.

Please see minutes in section a)

Resolution No. 2021:09:5

Moved by Norm Roberts Seconded by Ken Gee

THAT the Township of South Frontenac Committee of Adjustment hereby defers Consent Application S-13-21-P by 5006755 Ontario Inc., District of Portland, municipally known as 5356 New Morin Road, in order to provide the applicant and/or agent an opportunity to address items 1-6 in the Conclusion section of the Planners report dated October 8, 2021.

Carried

d) S-17-21-B (Tholen & Cleve)

Address: 304 and 340 Hillcrest Lane, Burr ridge Lake, Bedford District

Purpose of Application: Consent to sever two parcels that merged on title when the parcels were purchased by the Owners. The severed parcel (340 Hillcrest Lane) would consist of approximately 1.4 hectares (3.5 acres) of land. It would have approximately 49 metres of waterfrontage on Burr ridge Lake, and 65 metres of frontage on Hillcrest Lane. It would contain an existing camping

trailer with decking and a dock. The retained parcel (304 Hillcrest Lane) would consist of approximately 0.3 hectares (0.75 acres) of land. It would have approximately 65 metres of waterfrontage on Burrige Lake, and 12 metres of frontage on Hillcrest Lane. It would contain an existing dwelling, an accessory building and a dock.

The Senior Planner delivered her report to the Committee.

Committee member Nolan asked for the "Unresolved Concerns" slide back on the screen, he advised the development of the lot is on the flat part, a long way from the lake. He advised that there is not likely any way to get to the waterfront from the building envelope, they will have to utilize the lane. He noted that if everything on the waterfront that has been asked to be removed, inclusive of the deck or platform that is 15 x 6, roughly 90 square feet it will be hard to enjoy the waterfront portion of the property. Member Nolan advised that he believes that the construction of the platform was well done. He advised that he agrees with the work the planning department staff have completed, but would like to see the platform be permitted to remain.

Committee member Roberts advised that he agrees with Committee Member Nolan, unless there is a reason as to why it needs to be removed.

The Senior Planner advised that the Limited Service Residential Waterfront Zone allows for a seasonal dwelling or year round dwelling, however, once the parcel of land is created, there will not be a primary use established on the property and the accessory uses would not be permitted. The structures are also all within 30 metres of the highwater mark, they were constructed without permission of the Committee of Adjustment and without permit. They are illegal now, and will be illegal in the future. She advised that anyone building on this property would have an opportunity to apply to the Committee for structures like these but currently they are illegal.

Committee member Roberts inquired if they are grandfathered in or not.

The Senior Planner advised they are not grandfathered in.

The Chair asked for clarification that the structures are illegal.

The Senior Planner confirmed they are currently illegal structures and will continue to be illegal structures.

The Chair advised that if we were to allow them to keep these structures, we would be undermining our own Zoning By-Law.

Committee member Nolan advised that he does not understand why the Committee could not allow and make the structures legal.

The Senior Planner advised that the application before the Committee is to create a lot, it is not to be granting variances for illegal structures.

The Director of Development Services advised that these structures are accessory structures which are not permitted on a lot that is vacant, there needs to be a primary structure to be able to obtain a permit for an accessory use. Only once the permit for a dwelling is applied for could an accessory use be permitted.

Committee member Nolan inquired about the platform and the stairs being able to be allowed and the dock, but not the platform, it does not make sense that the platform wouldn't be allowed.

The Senior Planner advised that the Zoning By-Law allows for stairs and a landing before the principal use, but the landing must be the same size of the stairs, if it becomes over the size of the stairs it starts to be considered as a deck which is not permitted.

The agent on the application advised that she has been a resident on the lane for 32 years and this property will be difficult to be built on. The waterfront piece will just be used for water access.

The applicant advised that this application has been much more difficult than they originally thought. They advised that they purchase 304 Hillcrest Lane and 340 Hillcrest Lane, and at the time they purchased the structures were there. In 2018 when the previous owner purchased 340 Hillcrest Lane, it inadvertently merged on title with 304 Hillcrest Lane. They advised that they did want to ask for consideration to keep the deck, but only if the Building Permit to received approval is not an onerous one.

The Director summarized comments and asked Ms. Cleve to verify that they are asking the committee to approve the new lot creation with the deck to be allowed to remain.

The applicant advised that yes, this is what their request is, to keep the structure as is, but they do not want to go through another 7 months of discussions and applications.

The Director advised that the Committee is able to make decisions of either Approval, with Conditions, Deferral or Denial. She advised that they can not just modify the condition to allow the platform and make it legal. A condition would need to be modified to require the proper approvals, via a re-zoning to allow the structure. However, if Council was not supportive of the re-zoning application, the Consent would fail.

Member Nolan asked that if the Consent was approved today, would that preclude the applicants from bringing a re-zoning application in the future.

The Director advised that it would not, the consent could be approved as conditions are today and then come to the committee or council in the future and ask that the property be re-zoned separately outside the application.

The applicant advised they are not interested in seeking a re-zoning of the property in order to keep the platform, they wish to bring the matter to a conclusion. They advised they thought it was a reasonable request, but given all of the technicalities it may not be feasible.

The Director advised that there is no way to recognize the platform as legal without a re-zoning, which would be heard by Council and not this Committee.

The applicant advised they are not interested in pursuing a re-zoning application.

Committee member Roberts asked if they require a re-zoning if it is left the way it is presented?

The Senior Planner advised that this is correct, they would only need a building permit.

Resolution No. 2021:09:6
Moved by Ken Gee Seconded by Norm Roberts

THAT the Township of South Frontenac Committee of Adjustment hereby approves Consent Application S-17-21-B by Walter Tholen and Jane Cleve, to create one new lot located at 304 and 340 Hillcrest Lane, District of Bedford consisting of approximately 1.4 hectares (3.5 acres) with approximately 65 metres of frontage on Hillcrest Lane and approximately 49 metres on Buridge Lake, subject to conditions.

Carried

e) S-28-21-S (Automatix Inc.)

Address: 4071 Hiawatha Lane, Storrington District

Purpose of Application: Consent for the creation of one new residential lot. The severed parcel would consist of approximately 6.4 hectares (16 acres) of vacant land with 551 metres of frontage on Hiawatha Lane. The severed parcel would have frontage on two sections of Dog Lake. The northern water frontage would be a minimum of 40 metres, and the southern water frontage would be approximately 24 metres. The retained parcel would consist of approximately 14.6 hectares (36.2 acres) of land with 1053 metres of frontage on Hiawatha Lane and 332 metres of frontage on Dog Lake. The retained parcel would continue to contain a recreational resort commercial use (Hiawatha Cottages).

The Senior Planner delivered her report to the Committee.

Committee member Roberts inquired about the enforcement of the water runoff from the roof, who makes sure that this is completed and it is directed properly?

The Senior Planner advised that this would be looked at during the building permit stage and the requirement for the lot grading and drainage would look at how the runoff from the parcel of land is directed.

Committee member Nolan advised he is concerned with respect to the right of ways. One of the conditions is that they are to confirm access provided over Hiawatha Lane and Hood Lane, does this mean that the applicant would have to pay for a legally set up the deeded access for the residents that use that?

The senior planner advised that the condition is to ensure that the right of way is continued mostly for the legal access for the retained parcel which will be over the severed parcel. It will also ensure that other properties that have access over these lanes will continue to have access over the rights of ways. The senior planner asked to defer the question to the planning assistant with respect to rights of ways.

Member Nolan inquired about the property owner, Mr. Gibson who has deeded access on his deed, but the applicants deed does not show the same deeded access. Member Nolan inquired if the application is denied, does the applicant have the right under the current documentation to deny Mr. Gibson access to his property.

The Planning Assistant advised that this question would be more suited to a legal opinion from a lawyer, however, based on conversations the Senior Planner has had with the concerned abutting property owner, that when the Registry system ported over to Land Titles, the right of way was not clear so the right of way does not exist to date. Right now the right of way does not exist, and if the application is approved, the right of way would not exist. They could apply to the Township to create a right of way based on what the old right of way was, probably a metes and bounds description, but currently the right of way does not exist.

Committee member Nolan inquired as to whether the application hurts Mr. Gibson with respect to access to his property and he is not satisfied that it will

not, and that the decision of the Committee today could impact him and that is not something that he wants to do. Member Nolan stated that he has access to the property today but he does not have legal deeded access to this property today and by asking for this consent, it has been discovered that he does not have access. The applicant has advised that it will be dealt with at a later date. Member Nolan asked if by agreeing to the consent, will it help or hurt Mr. Gibson's situation?

The Planning Assistant advised that we do not change Mr. Gibson's circumstance if the Committee denies the application and we do not change Mr. Gibson's circumstance if the Committee approves the application.

The Senior Planner advised that he does not have legal deeded access currently, and will not have legal deeded access if the application is approved, it does not change his situation.

The Director advised that approving the application does not change the situation, there are avenues that can be explored outside the application. Any access today is out of good will, any decision made today does not have any impact on moving forward with requesting access.

The Senior Planner used the Property side to show that there is no connection from Hood Lane or Hiawatha Lane to Mr. Gibson's property.

The applicant advised that the right of way, as it is, they have been speaking to Mr. Gibson and discussing a right of way, but they do not feel it has anything to do with the application for the severance. They have been allowing him access to his property in the past, but they do not feel that the application should not be conditioned to the right of way. They do not object to it, but it would cause another delay for the severance. They have advised Mr. Gibson that if that is something he wants to do, he should be paying for it, which he is willing to do. They just feel it should be a separate application.

Resolution No. 2021:09:7

Moved by Mike Nolan Seconded by Mike Howe

THAT the Township of South Frontenac Committee of Adjustment hereby approves Consent Application S-28-21-S by Automatx Inc, to create one new lot located at 4071 Hiawatha Lane, District of Storrington consisting of approximately 6.4 hectares (16 acres) with approximately 551 metres of frontage on Hiawatha Lane and approximately 40 metres (north) and 24 metres (south) of frontage on Dog Lake, subject to conditions.

Carried

6 Minor Variance Applications from Previous Meetings

a) MV-34-21-B (Owttrim)

Location: Part Lot 20, Concession 3, being Parts 1 – 3 on Plan 13R7915, District of Bedford, Township of South Frontenac, municipally known as Attwood Lane.

Purpose of Application: To vary section 5.8.2a) and 8.3.1 of the Zoning By-law to permit the construction of a principal dwelling with an attached deck being a total of 160 square metres (1716 square feet) to be located 20 metres (65.6 feet) from the high water mark, whereas the Zoning By-law requires a minimum setback of 30 metres (98.4 feet) from the high water mark.

The Planner delivered her report to the Committee.

Resolution No. 2021:09:8

Moved by Mike Howe Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-34-21-B by Bruce and Patricia Owtrim, District of Bedford, Township of South Frontenac, municipally known as vacant land on Attwood Lane, in order to allow the applicant to complete a joint site visit with Township staff and Conservation staff to consider possible alternative locations for the proposed development.

Carried

7 New Minor Variance Applications:

a) MV-35-21-B (Evans & Cline)

Location: Island 49 in front of Concession 10, Lot 8, Devil Lake, District of Bedford, Township of South Frontenac, for a property with Roll Assessment Number 1029-010-010-16300.

Purpose of Application: To request permission to re-build a legal non-conforming and non-complying cottage. The existing cottage is one storey with a height of 6 metres (19.6 feet) located 6 metres (19.6 feet) from the highwater mark of Bob's Lake. The applicants are seeking permission to demolish this cottage and re-build a new cottage with a maximum height of 8 metres (26 feet) and located at 8 metres (26 feet) from the highwater mark and top of bank of Devil Lake.

The Planner delivered her report to the Committee.

Committee member Roberts inquired if the outhouse is going to stay or if they are going to put plumbing in the building.

The Planner advised that the outhouse is staying for now, but in the future the applicants may wish to add plumbing and the sewage system would be permitted in one portion of the island which is the widest part.

Resolution No. 2021:09:9

Moved by Mike Nolan Seconded by Mike Howe

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-35-21-B by Andrew Evans & Cheryl Cline located at at Island 49, Part Lot 8, Concession 20, Bedford District. To permit an enlargement of a legal non-conforming dwelling that will have a ground floor area of 23 square metres, a gross floor area of 39 square metres and will be located a minimum 8 metres from the highwater mark, continued use of the established storage shed and privy are also granted, subject to conditions.

Carried

b) MV-40-21-B (Crook)

Location: 22 Colescott Lane, Bob's Lake, District of Bedford.

Purpose of Application: To request permission to increase the height of a legal non-complying building by 0.6 metres (2 feet) for a building setback within 30 metres (98.4 feet) from the highwater mark of Bob's Lake.

The Planner delivered her report to the Committee.

The applicant inquired with respect to the reply from the Rideau Valley Conservation Authority from what they had originally received and what was received by the Township.

The Director advised that the best way to receive the most accurate information should be gained from the RVCA.

The Planner advised that the comments show that any shoreline alterations would require a permit, but recommended contacting the planner at the Rideau Valley Conservation Authority for clarification.

Resolution No. 2021:09:10

Moved by Mike Howe Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-40-21-B by Russell Crook and Patricia Allen-Crook located at 22 Colescott Lane Bobs Lake, Bedford District. To permit an enlargement of a legal non-conforming dwelling being an increase in the height by 0.6 metres, subject to conditions.

Carried

- c) MV-41-21-B (Bobs Lake Co-op) (Wilson)
Property Location: 54 Donalds Lane, Bob's Lake, Bedford District
Purpose of Application: 54 Donalds Lane is part of the Bob's Lake Co-Operative. The Co-op's properties are zoned RLSW-3. The RLSW-3 zone requires that the replacement of any existing trailers on the property be subject to a minor variance application to determine the appropriateness of the size and location of the replacement trailer.

The Senior Planner delivered her report to the Committee.

Committee member Nolan inquired if the sunroom is going to remain on the site.

The Senior Planner advised that the application is only for the replacement of the trailer.

Committee member Nolan inquired if the sunroom was built with a building permit.

The Senior Planner advised that she was unable to find a building permit, but having seen the structure she questioned whether it had one.

Committee Member Nolan inquired about the lot coverage of the property.

The Senior Planner advised that the lot coverage of the entire property being used as a whole is about 1%.

Committee Member Nolan inquired if there is hydro to this property.

The Senior Planner advised that she is unable to answer this question, but the applicants agent may be able to answer this question.

Committee Member Nolan advised that he believes there is and there is a cable running over the ground and that the sunroom should have a building permit.

The Senior Planner advised that the co-op is working towards re-zoning the property and will be working to clean up the property and implement rules with respect to the evolution of the property. They will also need to go through Site Plan Control that will address current water, sewage, hydro issues.

Committee Member Nolan advised that he appreciates the insight into future development, but the concern with respect to the hydro on the ground is an immediate concern.

The agent, Lee Fretts from Bobs Lake Co-Op advised that it is an outdoor armored cable and it has been there for 20 years and has never been a problem.

The Chair advised that his thoughts were that the cable should be an armored cable or in a conduit.

The agent advised the hook-up from the sunroom to the trailer would be in an armored cable or in a conduit.

The Senior planner advised that it may be appropriate for building staff to attend a site visit with respect to safety concerns.

The agent advised they will do whatever is needed.

Resolution No. 2021:09:11

Moved by Mike Howe Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-41-21-B by Tracey Wilson located at 54 Donalds Lane, Bobs Lake, Bedford District. To permit a replacement trailer to have a 6 metre rear yard depth for a travel trailer, subject to conditions.

Carried

d) MV-42-21-B (Thomas) (Heid)

Property Location: vacant property (roll number 102901001014000) between 390 West Devil Lake Lane and 47 Shoal Lane, Devil Lake

Purpose of Application: To vary section 5.8.2(b) of Zoning By-law No. 2003-75 to permit a seasonal dwelling to have a minimum 6 metre setback from the top of bank, whereas a minimum 15 metre setback is required. The dwelling, sewage system, and any accessory buildings would meet or exceed all setbacks required in the RLSW zone.

The Senior Planner delivered her report to the Committee.

Resolution No. 2021:09:12

Moved by Mike Howe Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-42-21-B by Kathleen Thomas located at vacant land between Roll Number 1029-010-010-14000, Devil Lake, Bedford District. To permit a a 286.5 square metre dwelling with attached deck and sewage system to have a 6 metre setback from the top of bank, subject to conditions.

Carried

8 Other Business

a) Consents Approved by Delegated Authority - Report

9 Adjournment

a) Resolution

Resolution No. 2021:09:13

Moved by Mike Howe Seconded by Mike Nolan

THAT the October 14, 2021 meeting of the Township of South Frontenac Committee of Adjustment is hereby adjourned at 9:38 p.m., to reconvene on Thursday, November 11, 2021, at 7:00 p.m. or at the call of the Chair.

Carried

Randy Ruttan, Chair